IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12717 of 2005

Between:

Lalam Peda Satyanarayana,
S/o Late Sanyasayya,
R/o Krishnampalem village,
Rambilli Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District at Visakhapatnam.
2 The Special Deputy Collector (LA), APIIC, Visakhapatnam.
3 Kasireddy Appalanaidu, S/o Late Marunaidu,
4 Kasireddy Satyanarayana, S/o Late Marunaidu
5 Kasireddy Ramu, S/o Marunaidu
6 Lalam Rambabu, S/o Satyam
7 Lalam China Satyam, S/o Satyam
8 Kasireddy Yerikanna S/o Late Marunaidu
(Respondents 3 to 8 are residents of
Krishnampalem village, Rambilli Mandal, Visakhapatnam District.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more especially one in the nature of Writ of mandamus declaring action of the 1st Respondent in not referring the dispute regarding apportionment of compensation for the acquired lands in S.No.189/3 of Ac. 6.86 cents of Krishnampalem village, Rambilli Mandal, Visakhapatnam District to a competent civil court under Sec. 30 of the Land Acquisition Act as illegal, arbitrary and contrary to law and consequentially direct the 1st Respondent to refer the same to a competent civil court for determination of

right to receive compensation.
Counsel for the Petitioner: MR.Y.S.SAI VARA PRASAD
Counsel for the Respondent Nos.1nad 2: GP FOR LAND ACQUISITION
Counsel for the Respondent Nos.3 to 8: None appeared

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner seeking a *mandamus* declaring the action of the first respondent in not referring the dispute regarding apportionment of compensation for his land in an extent of Ac.6.86 cents in S.No.189/3 of Krishnampalem village, Rambilli mandal, Visakhapatnam district, to a competent civil Court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary.

The petitioner claims to be in possession and enjoyment of the above said land. It is stated that the lands were acquired by respondents 1 and 2 for the purpose of setting up 'Integrated Special Economic Zone (SEZ)', duly following the procedure prescribed under the Act. It is alleged that during the course of enquiry, respondents 3 to 8 made a false complaint to knock away the compensation. Therefore, the petitioner submitted an application to the first respondent during Spandana programme, to pay compensation. The second respondent enquired into the same and submitted an adverse report, dated 08.04.2005, to the first respondent. Now the grievance of the petitioner is that the first respondent is likely to make payment of compensation to respondents 3 to 8. In view of the above factual scenario, the petitioner seeks necessary directions to the first respondent to refer the dispute to the civil Court under Section 30 of the Act.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

It is seen from the material available on record that the petitioner submitted an application, during Spandana programme, to the first respondent seeking payment of the compensation for the acquired land. The first respondent, in turn, called for a report from the second respondent. Through his order, dated

08.04.2005, the second respondent held that “In view of the above enquiry and facts, perusal of the documents, I feel that the contents made by petitioner Sri Lalam Peda Satyanarayana, S/o Sanyasayya of Krishnampalem village have no valid title over the land or is in not possession of the land under dispute.” After hearing the matter for a considerable time, it is submitted by the learned counsel for the petitioner that the said order was communicated to the petitioner. If the petitioner feels aggrieved by the same, he can approach the appropriate forum and seek redressal of his grievance, but not this Court by way of filing the writ petition under Article 226 of the Constitution of India.

In view of the above discussion, I see no reasons to entertain this writ petition and the same is accordingly dismissed. There shall be no order as to costs.

16.06.2005

ksld

To

1 The District Collector, Visakhapatnam District at Visakhapatnam.
2 The Special Deputy Collector (LA), APIIC, Visakhapatnam.
3 Two CCs to G.P. for Land Acquisition, High Court of A.P. Buildings, Hyderabad (OUT)

4 1 CC to MR.SAI VARA PRASAD (OPUC)